

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Group Art Unit: 1714

FRANÇOIS GUGUMUS

Examiner: V. P. Hoke

APPLICATION NO: not yet assigned

FILED: concurrently with this paper

FOR: SYNERGISTIC STABILIZER MIXTURE

Commissioner for Patents
Washington, D.C. 20231

PRELIMINARY AMENDMENT

Sir:

Applicant respectfully submits this Preliminary Amendment in this continuation application for entry and consideration. This application is filed with the intent of entering into an interference with U.S. Pat. No. 5,658,973 to Raspanti.

In the Specification

Please amend the specification as follows:

Please insert on page 1, between lines 1 and 2 (after the title), the following new paragraph:

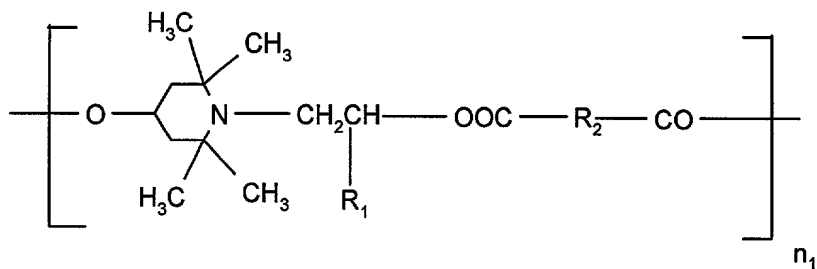
This is a continuation of application No. 09/275,859, filed Mar. 24, 1999, which is a divisional of application No. 08/858,191, filed Apr. 21, 1997, now U.S. Pat. No. 6,015,849, which is a continuation of application No. 08/588,164, filed Jan. 18, 1996, abandoned.

In the Claims

Cancel claims 1-15 (all original claims).

Please add the following new claims:

16. (new) A stabilizer mixture comprising a component a) and a component e) where component a) is a compound of the formula



where

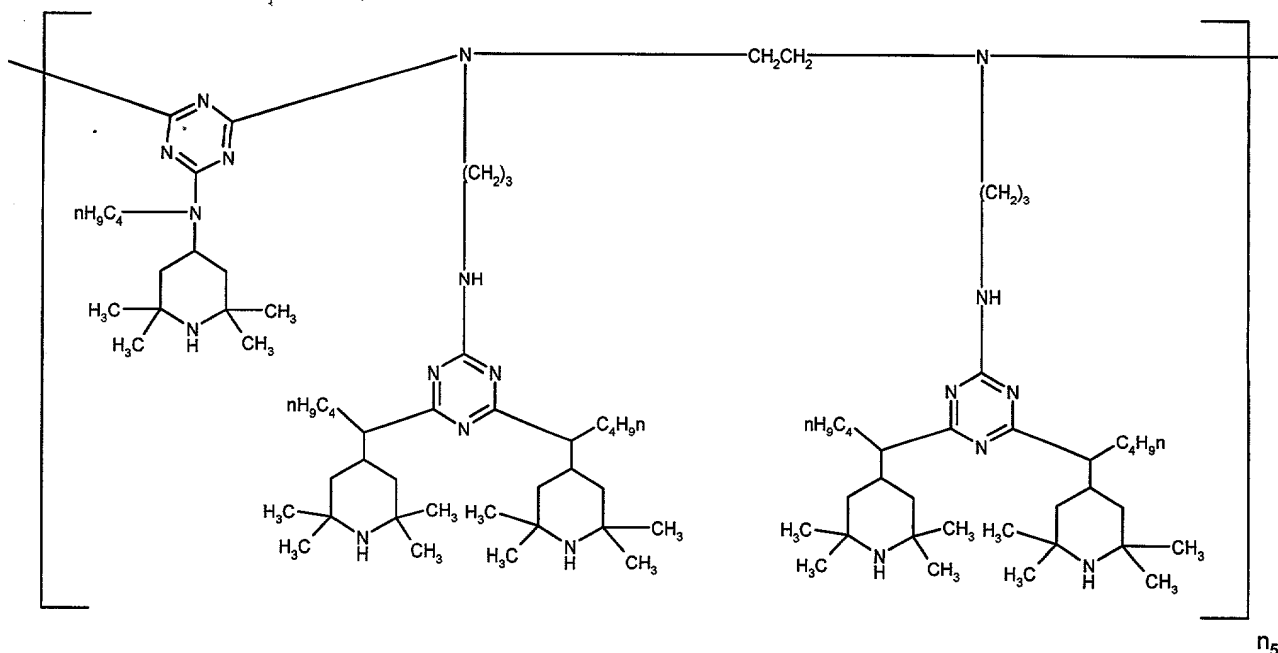
R_1 is hydrogen or methyl,

R_2 is C_1 - C_{10} alkylene,

n_1 is a number from 2 to 50,

and

component e) is a compound of the formula



where n_5 is 1 to 20, and

where the weight ratio between component a) and component e) is about 20:1 to about 1:20.

17. (new) A stabilizer mixture according to claim 16, wherein the weight ratio between component a) and component e) is from 5:1 to 1:5.

18. (new) A stabilizer mixture according to claim 16, wherein the weight ratio between component a) and component e) is 1:1.

19. (new) A stabilizer mixture according to claim 16, wherein R_1 is hydrogen, R_2 is ethylene and n_1 is a number from 2 to 25.

20. (new) A composition comprising an organic material which is sensitive to oxidative, thermal or light-induced degradation and a stabilizer mixture according to claim 16.

21. (new) A composition according to claim 20, in which the organic material is a polyolefin.

22. (new) A composition according to claim 20, in which the organic material is polyethylene, polypropylene or a copolymer of polyethylene or polypropylene.

23. (new) A process for stabilizing an organic material which is sensitive to oxidative, thermal or light-induced degradation, which comprises incorporating a stabilizer mixture according to claim 16 into the organic material.

24. (new) A composition comprising an organic material which is sensitive to oxidative, thermal or light-induced degradation and a stabilizer mixture according to claim 19.

25. (new) A composition according to claim 24, in which the organic material is a polyolefin.

26. (new) A composition according to claim 24, in which the organic material is polyethylene, polypropylene or a copolymer of polyethylene or polypropylene.

27. (new) A process for stabilizing an organic material which is sensitive to oxidative, thermal or light-induced degradation, which comprises incorporating a stabilizer mixture according to claim 19 into the organic material.

REMARKS

Claims 1-15 are canceled. New claims 16-27 are presented for consideration in this continuation application.

The specification is amended to make reference to the parentage.

Support for new claims 16-27 is found in the specification and the original claims. The definition of the compound of component a) in new claims 16-18 and 20-23 is found in original claim 1. The definition of the compound of component a) in new claims 19 and 24-27 is found in original claim 2.

Support for the compound of component e) is found in the specification, top of page 9.

The weight ratios specified in new claims 16-18 find support in the specification, page 20, fourth paragraph and in the working Examples.

New claims 20-23 and 24-27 correspond to original claims 11-14 respectively.

No new matter is added as a result of the present amendments.

Similar claims to the present ones are found allowable in the parent application, No. 09/275,859 in a Notice of Allowance dated Dec. 4, 2001. The present claims differ in the definition of the compound of component e).

Components a) and e) represent the commercial hindered amine stabilizers TINUVIN 622 and UVASORB HA 88 respectively, both specifically named for example on page 9 of the specification. The specific TINUVIN 622/UVASORB HA 88 mixture is disclosed on page 14 of the specification.

There is direct overlap of the present claims with those of Raspanti, U.S. Pat. No. 5,658,973. Raspanti '973 contains claims to bi-component hindered amine light stabilizer mixtures as does the present application. Raspanti's claims are aimed at combinations of compounds of formula (I) and a compound selected from formula (IV), (V), (VI) or (VII).

The compound of present component a) of claim 16 has direct overlap with the compound of formula (V) of claim 1 of Raspanti '973 (top col. 11). The specification of Raspanti '973 offers a specific example of a compound of formula V, which is compound 4, lines 45-50 on col. 6. This specific compound has direct overlap with the compound of present component a) of instant claim 19. The compound of present component a) of claim 19 and the compound of formula V of Raspanti '973 (and compound 4) each describe TINUVIN 622.

The compound of present component e) falls within the compounds defined by formula (I) of Raspanti '973. Dependent claim 4 of Raspanti '973 defines a more narrow definition of the compound of formula (I), see formula (X) therein. The compound of present component e) has direct overlap with the compound of formula (X) of Raspanti '973. The specification of Raspanti '973 offers a specific compound of formula (I), see compound 2 on col. 5 therein. Compound 2 of Raspanti '973 has direct overlap with the compound of present component e). The compound of present component e) and of formula (X) of Raspanti '973 (and compound 2) each describe the commercial product UVASORB HA 88.

The present continuation application is filed with the intention of entering into an interference with Raspanti '973.

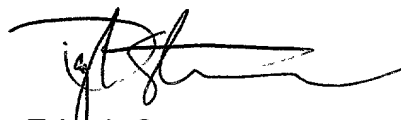
Applicant notes that Raspanti '973 has a U.S. filing date of July 26, 1995. The first U.S. filing that the present application has benefit of is Jan. 18, 1996. Applicant acknowledges therefore that the present claims face a 35 USC 102(e) rejection.

The priority document for the present application, European patent application No. 95810042.2, was filed Jan. 23, 1995. A certified English translation of this document was submitted in the parent application. The combination of TINUVIN 622 and UVASORB HA 88 is disclosed in the priority document. However, the specific structure of component e) of the present claims is not present in the priority document. Applicant will provide proof in due course that UVASORB HA 88 available commercially at the time of filing of the EP priority document is defined by the structure of present component e).

Applicant submits that the present claims will be in condition for allowance upon submission of this proof. Upon being found allowable, the PTO is respectfully requested to declare an interference between the present application and Raspanti '973.

Early consideration of the present claims is respectfully requested.

Respectfully submitted,



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